THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No.10951 of 2003

ORDER:

This writ petition has been filed with the following prayer:

> *"For the reasons and circumstances stated above, the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not releasing the stocks/rice in pursuance of the Judgment in Crl.A.No.51/2003 dated 3-4-2003 on the file of Sessions Judge, Mahaboobnagar as illegal, arbitrary and without jurisdiction and further direct the respondents to release the stocks seized from the petitioner's firm; and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case. "*

The petitioner is a rice miller. The goods seized are rice. Against the orders of confiscation passed by the Joint Collector, Mahaboobnagar, an appeal in Crl.A.No.51 of 2003, on the file of Sessions Judge, Mahaboobnagar, was filed and the same was allowed. In the writ petition, the prayer is to release the rice.

Rice is a perishable commodity. It cannot be expected that the rice was seized in the year 2003 to be intact and in as is where is condition, years

after the seizure.

The learned counsel for the petitioner submits that the rice was already sold, but contends that no counter is filed by the Government. In fact, no counter is necessary to state that the rice has been sold when the same is an admitted fact. The learned counsel further submits that while making payment, the Government deducted demurrage charges etc. Thus, it is clear that payment was made. If any deductions are made illegally, the petitioner can challenge the same before the competent Court.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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JUSTICE G. CHANDRAIAH,

Date: 05-07-2006.

LSK